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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/114,027 07/10/98 YLITALO

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EXAMINER

ZIRKER, D

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 03/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☒ Responsive to communication(s) filed on 1/26/01
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 7-10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over either J.P. Derwent Abstract '060 or '059, substantially for the reasons set forth in the Final Rejection, in Paragraph No. 2 of Paper No. 7, together with the following additional observations. More particularly, the newly cited reference, U.S. '965 (Waniczek et al) appears to be significantly different from the '059 reference, even though it is a member of the same patent family. The more relevant issue is whether or not the '059 reference makes within its four corners a prima facie case, and the Examiner's position that it does, in fact, remains unrebutted. As to applicants' arguments (response, pg 2) concerning whether or not the '060 reference teaches pressure sensitive adhesive, it is respectfully submitted that, at the very least, the relied upon abstract puts the concept of a pressure sensitive adhesive containing the cited ingredients within the ordinary skill of the art.

3. Claims 3-6, 11-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either J.P. Abst '059 or '060 each taken in view of Kiefer, substantially for the reasons set forth in the Final Rejection, in Paragraph No. 3 of Paper No. 7, together with the following additional observations. More particularly, as regards applicants' discussion of Example 4 in their specification (response, pg 3) it is simply noted that it is the primary references, not Kiefer, that are relied upon for "the inclusion of a cured epoxy component, or any epoxy component".

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**4.** Claim 14 was inadvertently omitted from the rejections set forth in the earlier office Actions. This oversight now being corrected, it is now rejected in the combination rejections set forth in the preceding paragraph. As to the Examiner's grounds for making this action Final due to applicants' non amending of the claims, in view of the rejection of claim 14, it is believed that applicant has not been harmed, i.e., note the two office action cover sheets listing all of the claims rejected in the prior two office actions.

**5.** This is a Request for Continued Examination (RCE) of applicant's earlier Application No. 09/114,027. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication should be directed to D.R. Zirker at telephone number (703) 308-0661.

DRZirker:evh

03-21-01

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP ~~1800~~

1700

*Daniel Zirker*